

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

1. JULIO CARRION SANTIAGO,
2. PEDRO ALBERTO MIRANDA,
a/k/a "TAVO", a/k/a Carlos Colon,
3. REYNALDO RIVERA, a/k/a "REY",
4. ENRIQUE AGOSTO,
5. JOSE TORRADO,
6. CARLOS SANCHEZ,
7. LUIS R. SANCHEZ, a/k/a "PITO,"
8. EDWIN TORREZ, a/k/a "COQUI,
9. JOSE O. RODRIGUEZ,
10. ZULEIMA REYES, a/k/a "LINDA",
11. SANTIAGO ARROYO, and
12. JUAN NUNEZ.

04 CR 10336 NMG

Criminal No.

VIOLATIONS:

21 U.S.C. §846--
Conspiracy to Distribute Heroin
(Count I)

21 U.S.C. §841(a)(1)--
Distribution of Heroin
and Aiding and Abetting Same
(Counts II-VI)

18 U.S.C. §924(c)--
Possession of a Firearm in
Furtherance of a Drug Trafficking
Crime
(Count VII)

21 U.S.C. §853--
Criminal Forfeiture

INDICTMENT

COUNT ONE: (21 U.S.C. §846 -- Conspiracy to Possess With Intent to Distribute and Distribute Heroin)

The Grand Jury charges that:

From in or about December 2003 to on or about October 15, 2004, in Lowell, Leominster, Fitchburg, Dracut and elsewhere in the District of Massachusetts and in the Eastern District of New York,

1. JULIO CARRION SANTIAGO,
2. PEDRO ALBERTO MIRANDA, a/k/a TAVO, a/k/a Carlos Colon,
3. REYNALDO RIVERA, a/k/a "REY",
4. ENRIQUE AGOSTO,
5. JOSE TORRADO,

6. CARLOS SANCHEZ,
7. LUIS R. SANCHEZ, a/k/a "PITO,"
8. EDWIN TORREZ, a/k/a "COQUI,
9. JOSE O. RODRIGUEZ,
10. ZULEIMA REYES, a/k/a "LINDA",
11. SANTIAGO ARROYO, and
12. JUAN NUNEZ,

defendants herein, did knowingly and intentionally combine, conspire and agree with each other and other persons, known and unknown to the Grand Jury, to possess with intent to distribute, and distribute, heroin, a Schedule I controlled substance in violation of Title 21, United States Code, Section 841(a)(1).

It is further alleged that the conspiracy described herein involved at least one kilogram of a mixture and a substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(A) applies to this Count.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: (21 U.S.C. §841(a)(1) and 18 U.S.C. §2 -- Distribution and Possession with Intent to Distribute Heroin and Aiding and Abetting Same)

The Grand Jury further charges that:

On or about December 10, 2003, in Lowell and elsewhere in the District of Massachusetts,

**3. REYNALDO RIVERA, a/k/a "REY" and
13. SANTIAGO ARROYO,**

defendants herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE: (21 U.S.C. §841(a)(1) and 18 U.S.C. §2 -- Distribution and Possession with Intent to Distribute Heroin and Aiding and Abetting Same)

The Grand Jury further charges that:

On or about December 18, 2003 in Lowell and elsewhere in the District of Massachusetts,

**3. REYNALDO RIVERA, a/k/a "REY" and
10. ZULEIMA REYES, a/k/a "LINDA",**

defendants herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOUR: (21 U.S.C. §841(a)(1) and 18 U.S.C. §2 -- Distribution and Possession with Intent to Distribute Heroin and Aiding and Abetting Same)

The Grand Jury further charges that:

On or about January 7, 2004 in Lowell and elsewhere in the District of Massachusetts,

**3. REYNALDO RIVERA, a/k/a “REY” and
10. ZULEIMA REYES, a/k/a “LINDA”,**

defendants herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FIVE: (21 U.S.C. §841(a)(1) and 18 U.S.C. §2 -- Distribution and Possession with Intent to Distribute Heroin and Aiding and Abetting Same)

The Grand Jury further charges that:

On or about January 14, 2004 in Lowell and elsewhere in the District of Massachusetts,

**3. REYNALDO RIVERA, a/k/a “REY” and
10. ZULEIMA REYES, a/k/a “LINDA,”**

defendants herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and Title 18, United States Code, Section 2.

COUNT SIX: (21 U.S.C. §841(a)(1) and 18 U.S.C. §2 -- Distribution and Possession with Intent to Distribute Heroin and Aiding and Abetting Same)

The Grand Jury further charges that:

On or about January 30, 2004 in Lowell and elsewhere in the District of Massachusetts,

**3. REYNALDO RIVERA, a/k/a “REY” and
10. ZULEIMA REYES, a/k/a “LINDA”,**

defendants herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and Title 18, United States Code, Section 2.

**COUNT SEVEN: (18 U.S.C. §924(c)—Possession of a Firearm in
Furtherance of a Drug Trafficking Crime)**

The Grand Jury further charges that:

On or about October 15, 2004, in Leominster and elsewhere in the District of Massachusetts,

1. JULIO CARRION SANTIAGO,

defendant herein, did knowingly, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States (to wit: the crime charged in Count I of this indictment), possess a firearm (to wit: 9mm Luger; Model AP9, serial number 033232).

All in violation of Title 18, United States Code, Section 924(c).

NOTICE OF ADDITIONAL FACTORS

The Grand Jury further charges that:

1. As to the offense charged in Count One of this indictment and relevant conduct as described in USSG §1B1.3, Defendant JULIO SANTIAGO is accountable for at least three kilograms but less than ten kilograms of heroin. Accordingly, USSG 2D1.1(c)(3) applies to this defendant.
2. As to the offense charged in Count One of this indictment, Defendant JULIO SANTIAGO was an organizer and leader of a criminal activity that involved five or more participants and was otherwise extensive. Accordingly, USSG §3B1.1(a) applies to this defendant.
3. As to the offense charged in Count One of this indictment and relevant conduct as described in USSG §1B1.3, Defendant PEDRO ALBERTO MIRANDA is accountable for at least 80 grams but less than 100 grams of heroin. Accordingly, USSG §2D1.1(c)(8) applies to this defendant.
4. At the time that he committed the offense in Count One of this indictment, PEDRO ALBERTO MIRANDA was at least eighteen years old and had at least two prior felony convictions of either a crime of violence or a controlled substance offense. Accordingly, USSG §§4B1.1 and 4B1.2 apply to this defendant.
5. As to the offenses charged in Counts One through Six of this indictment and relevant conduct as described in USSG §1B1.3, Defendant REYNALDO RIVERA is accountable for at least 400 grams but less than 700 grams of heroin. Accordingly, USSG §2D1.1(c)(6) applies to this defendant.

6. As to the offenses charged in Counts One through Six of this indictment, REYNALDO RIVERA was an organizer, leader, manager and supervisor in any criminal activity that did not involve five or more participants and was not otherwise extensive. Accordingly, USSG §3B1.1(c) applies to this defendant.
7. As to the offense charged in Count One of this indictment and relevant conduct as described in USSG §1B1.3, Defendant CARLOS SANCHEZ is accountable for at least one kilogram but less than three kilograms of heroin. Accordingly, USSG §2D1.1(c)(4) applies to this defendant.
8. As to the offense charged in Count One of this indictment and relevant conduct as described in USSG §1B1.3, Defendant LUIS SANCHEZ is accountable for at least 100 grams but less than 400 grams of heroin. Accordingly, USSG §2D1.1(c)(7) applies to this defendant.
9. As to the offense charged in Count One of this indictment and relevant conduct as described in USSG §1B1.3, Defendant JOSE TORRADO is accountable for at least 100 grams but less than 400 grams of heroin. Accordingly, USSG §2D1.1(c)(7) applies.
10. As to the offense charged in Count One of this indictment and relevant conduct as described in USSG §1B1.3, Defendant JOSE RODRIGUEZ is accountable for at least 100 grams but less than 400 grams of heroin. Accordingly, USSG §2D1.1(c)(7) applies.
11. At the time that he committed the offense in Count One of this indictment, JOSE RODRIGUEZ was at least eighteen years old and had at least two prior felony

convictions of either a crime of violence or a controlled substance offense.

Accordingly, USSG §§4B1.1 and 4B1.2 apply to this defendant.

12. As to the offense charged in Count One of this indictment and relevant conduct as described in USSG §1B1.3, Defendant ENRIQUE AGOSTO is accountable for at least 400 grams but less than 700 grams of heroin. Accordingly, USSG §2D1.1(c)(6) applies to this defendant.
13. At the time that he committed the offense in Count One of this indictment, ENRIQUE AGOSTO was at least eighteen years old and had at least two prior felony convictions of either a crime of violence or a controlled substance offense. Accordingly, USSG §§4B1.1 and 4B1.2 apply to this defendant.
14. As to the offense charged in Count One of this indictment and relevant conduct as described in USSG §1B1.3, Defendant EDWIN TORREZ is accountable for at least 100 grams but less than 400 grams of heroin. Accordingly, USSG §2D1.1(c)(7) applies to this defendant.
15. As to the offenses charged in Counts One and Two of this indictment and relevant conduct as described in USSG §1B1.3, Defendant SANTIAGO ARROYO is accountable for at least 5 grams but less than 10 grams of heroin. Accordingly, USSG §2D1.1(c)(13) applies to this defendant.
16. As to the offenses charged in Count One and Counts Three through Six of this indictment and relevant conduct as described in USSG §1B1.3, Defendant ZULEIMA REYES is accountable for at least 100 grams but less than 400 grams of heroin. Accordingly, USSG §2D1.1(c)(7) applies to this defendant.

17. As to the offense charged in Count One of this indictment and relevant conduct as described in USSG §1B1.3, Defendant JUAN NUNEZ is accountable for at least one kilogram but less than three kilograms of heroin. Accordingly, USSG §2D1.1(c)(4) applies to this defendant.

FORFEITURE ALLEGATION
(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts I through VI of this Indictment, the defendants,

- 1. JULIO CARRION SANTIAGO,**
- 2. PEDRO ALBERTO MIRANDA, a/k/a "TAVO, a/k/a Carlos Colon,**
- 3. REYNALDO RIVERA, a/k/a "REY",**
- 4. ENRIQUE AGOSTO,**
- 5. JOSE TORRADO,**
- 6. CARLOS SANCHEZ,**
- 7. LUIS R. SANCHEZ, a/k/a "PITO,"**
- 8. EDWIN TORREZ, a/k/a "COQUI,**
- 9. JOSE O. RODRIGUEZ,**
- 10. ZULEIMA REYES, a/k/a "LINDA",**
- 11. SANTIAGO ARROYO, and**
- 12. JUAN NUNEZ,**

shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, including without limitation:

- a. \$6,200 in United States currency seized from 270 Fairmont Street, Apartment 1F, Fitchburg, Massachusetts, on October 15, 2004;
- b. \$3,200 in United States currency seized from 235 Eighteenth Street, Apartment 204, Dracut, Massachusetts, on October 15, 2004;
- c. One blue 1994 Plymouth Voyager minivan, VIN 2P4GH45R5RR796331, bearing Massachusetts registration 5133XA, registered to SANTIAGO, seized in Brooklyn, New York on October 15, 2004; and
- d. One black 1999 GMC Yukon bearing Massachusetts, VIN 1GKEK13R4XJ766046, registration plate 4740YR, registered to RIVERA,

seized from 235 Eighteenth Street, Dracut, Massachusetts, on October 15, 2004.

2. If any of the property described in paragraph 1 above, as a result of any act or omission of the defendants,

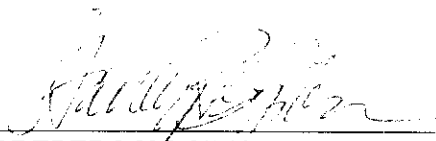
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

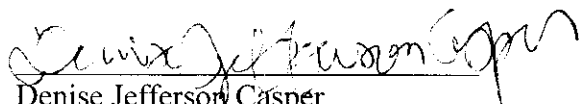
it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of 21 U.S.C. § 853.

A TRUE BILL,

DEPUTY

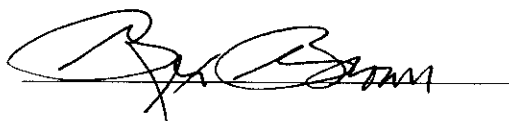

FOREPERSON OF THE GRAND JURY


Denise Jefferson Casper
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS

November 10, 2004 @3:55 PM

Returned into the District Court by the Grand Jury Foreperson and filed.


Deputy Clerk

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. 1 Investigating Agency DEACity Lowell/Fitchburg/Leominster Related Case Information:

County MIDDLESEX/WORCESTER Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant _____ New Defendant _____
 Magistrate Judge Case Number 2004-M-00500-RBC
 Search Warrant Case Number 2004-M-00502-RBC
 R 20/R 40 from District of _____

Defendant Information:Defendant Name JULIO CARRION SANTIAGO Juvenile ☐ Yes ☒ NoAlias Name MACHOAddress 264 MECHANIC ST., 2ND FL., LEOMINSTER, MABirth date (Year only): 1959 SSN (last 4 #): _____ Sex _____ Race: _____ Nationality: _____

Defense Counsel if known: John Cicilline, Esq. Address: 387 Atwells Avenue
Providence, RI 02909

Bar Number: _____

U.S. Attorney Information:AUSA DENISE JEFFERSON CASPER Bar Number if applicable 568116Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☐ Yes ☒ No
☐ Warrant Requested ☐ Regular Process ☒ In Custody
Location Status:Arrest Date: October 15, 2004☒ Already in Federal Custody as October 15, 2004 in Plymouth House of Correction☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: NOVEMBER 10, 2004Signature of AUSA: Denise Jefferson Casper

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant JULIO CARRION SANTIAGO

U.S.C. Citations

| | <u>Index Key/Code</u> | <u>Description of Offense Charged</u> | <u>Count Numbers</u> |
|--------|------------------------|---|----------------------|
| Set 1 | <u>21 USC § 846</u> | <u>Conspiracy to distribute heroin</u> | <u>1</u> |
| Set 2 | <u>18 USC § 924(c)</u> | <u>Possession of firearm in furtherance of a drug Trafficking crime</u> | <u>7</u> |
| Set 3 | _____ | _____ | _____ |
| Set 4 | _____ | _____ | _____ |
| Set 5 | _____ | _____ | _____ |
| Set 6 | _____ | _____ | _____ |
| Set 7 | _____ | _____ | _____ |
| Set 8 | _____ | _____ | _____ |
| Set 9 | _____ | _____ | _____ |
| Set 10 | _____ | _____ | _____ |
| Set 11 | _____ | _____ | _____ |
| Set 12 | _____ | _____ | _____ |
| Set 13 | _____ | _____ | _____ |
| Set 14 | _____ | _____ | _____ |
| Set 15 | _____ | _____ | _____ |

ADDITIONAL INFORMATION:

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. I Investigating Agency DEACity Lowell/Fitchburg/Leominster Related Case Information:

County MIDDLESEX/WORCESTER Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant _____ New Defendant _____
 Magistrate Judge Case Number 2004-M-00500-RBC
 Search Warrant Case Number 2004-M-00505-RBC
 R 20/R 40 from District of _____

Defendant Information:Defendant Name PEDRO ALBERTO MIRANDA Juvenile ☐ Yes ☒ NoAlias Name TAVO, Carlos ColonAddress 212 WILDER ST., LOWELL, MABirth date (Year only): 1969 SSN (last 4 #): _____ Sex _____ Race: _____ Nationality: _____

Defense Counsel if known: John Palmer, Esq. Address: 24 School Street
Boston, MA 02108

Bar Number: _____

U.S. Attorney Information:AUSA DENISE JEFFERSON CASPER Bar Number if applicable 568116Interpreter: ☒ Yes ☐ No List language and/or dialect: SPANISHMatter to be SEALED: ☐ Yes ☒ No
☐ Warrant Requested ☐ Regular Process ☒ In Custody
Location Status:Arrest Date: October 15, 2004☒ Already in Federal Custody as October 15, 2004 in Plymouth House of Correction☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: NOVEMBER 10, 2004Signature of AUSA: Denise Jefferson Casper

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant PEDRO ALBERTO MIRANDA

U.S.C. Citations

| | <u>Index Key/Code</u> | <u>Description of Offense Charged</u> | <u>Count Numbers</u> |
|--------|-----------------------|--|----------------------|
| Set 1 | <u>21 USC § 846</u> | <u>Conspiracy to distribute heroin</u> | <u>1</u> |
| Set 2 | _____ | _____ | _____ |
| Set 3 | _____ | _____ | _____ |
| Set 4 | _____ | _____ | _____ |
| Set 5 | _____ | _____ | _____ |
| Set 6 | _____ | _____ | _____ |
| Set 7 | _____ | _____ | _____ |
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| Set 14 | _____ | _____ | _____ |
| Set 15 | _____ | _____ | _____ |

ADDITIONAL INFORMATION: